

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Civil Action No.: 24-CV-124

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STANLEY MICHAEL BACKRY, JR.  
and CATHERINE BACKRY,

Plaintiffs

v.

UNITED STATES SPACE FORCE,  
UNITED STATES AIR FORCE, and  
UNITED STATES OF AMERICA

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COMPLAINT

NOW COME the Plaintiffs, Stanley Michael Backry, Jr. and Catherine Backry, and bring this complaint against the Defendants, United States Space Force, United States Air Force, United States of America, and states as follows:

PARTIES

1. Plaintiff, Stanley Michael Backry, Jr, resides at 6 Dow Avenue, Atkinson, New Hampshire 03811, in Rockingham County in the District of New Hampshire.
2. Plaintiff, Cathy Backry, resides at 6 Dow Avenue, Atkinson, New Hampshire 03811, in Rockingham County in the District of New Hampshire.
3. Defendant, United States Space Force, is an agency of the government of the United States of America with its' headquarters at the Pentagon in Arlington, Virginia. It is a

separate and distinct branch of the United States armed serviced but is organized under the Department of the Air Force.

4. Defendant, United States Air Force, is an agency of the government of the United States of America with its' headquarters at the Pentagon in Arlington, Virginia.
5. Defendant United States of America is a sovereign nation.

#### JURISDICTION AND VENUE

6. Jurisdiction is proper pursuant to 28 U.S.C. § 1346(b)(1).
7. Venue is proper in the District of New Hampshire pursuant to 28 U.S.C. § 1402(b) in that Plaintiffs reside in the District of New Hampshire and all or a substantial part of the acts and omissions forming the basis of these claims occurred in the District of New Hampshire.

#### FACTS

8. The Plaintiffs were married on March 24, 2004 and remain married.
9. On or about July 18, 2021, Mr. Backry was a security contractor employed by Lockwood Hills Federal LLC to provide security for the closed military installation at New Boston Space Force Station located at 317 Chestnut Hill Road, New Boston, New Hampshire 03070.
10. On or about July 18, 2021, Mr. Backry was walking up an exterior set of stairs to enter Building 120 through its rear door at approximately 3:00 a.m.
11. It was raining at the time.
12. These stairs had previously been cordoned off from use to their crumbling condition but had been re-opened for use in the same or further deteriorated condition.
13. Mr. Backry's foot caught on the last step and he fell.

14. Mr. Backry sustained injuries to his body, including a traumatic brain injury, a concussion, cervical and thoracic injuries, an injury to his right eye, and other injuries to his body and mind.
15. In July of 2021, the New Boston Air Force Station was transferred from the United States Air Force to the United States Force on or about July 12, 2021, prior to Mr. Backry's fall.
16. On December 21, 2022, the Plaintiff tendered timely written demand to the United States Air Force and the United States Space Force in accordance with 28 U.S.C. 2675. *See Exhibits 1-5.*
17. On October 19, 2023, the Plaintiffs provided an amended SF-95 claim form to the United States Air Force and the United States Space Force. *See Exhibit 6.*
18. On March 20, 2024, the United States Air Force issued a final denial of the Backry's claims. *See Exhibit 7.*
19. This lawsuit has been filed within six months of the denial of the Plaintiffs' Administrative Tort Claim.

**COUNT ONE-NEGLIGENCE- STANLEY MICHAEL BACKRY, JR. V. UNITED STATES AIR  
FORCE**

20. Plaintiff incorporates by reference paragraphs 1-19 of this Complaint.
21. The United States Space Force is organized under the United States Air Force.
22. The United States Air Force had control of the New Boston Air Force Station prior to and after the transfer of the base to the United States Space Force.
23. At the time of the incident, the United States Air Force owed the Plaintiff the following duties:
  - a. a duty to exercise reasonable care under the circumstances;

- b. a duty to maintain the Premises in a safe condition free of defects;
  - c. a duty to warn the Plaintiff of hazardous and unsafe conditions present on the Premises;
  - d. a duty to inspect the Premises for hazardous and unsafe conditions present on the Premises;
  - e. a duty to remedy hazardous and unsafe condition present on the Premises;
  - f. a duty to make repairs to the Premises in a safe manner; and
  - g. a duty to comply with the applicable governmental codes and regulations in the construction, maintenance, upkeep, and use of the Premises.
24. At all times material hereto, the United States Air Force, through their principals, agents, servants, employees, contractors and/or subcontractors, and/or representatives, was negligent to the Plaintiff in one or more of the following ways:
- a. in failing to exercise reasonable care under the circumstances;
  - b. in failing to maintain the Premises in a safe and proper condition free defects;
  - c. in failing to adequately warn the Plaintiff of a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
  - d. in failing to remediate a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
  - e. in failing to erect safeguards or other structures to prevent Plaintiff from coming in contact with the defective and unsafe condition;
  - f. in failing to properly inspect and cure a hazardous and unsafe condition that persisted on the Premises;

- g. in failing to properly repair the stairs;
- h. in failing to comply with the applicable governmental codes and regulations in the construction, maintenance, upkeep, and use of the Premises; and
- i. in other ways not yet known to the Plaintiff but that might be discovered as the case progresses.

25. As a direct and proximate result of the negligence of the United States Air Force, the Plaintiff was caused to fall on the stairwell of the Premises.

26. As a direct and proximate result of this negligence, the Plaintiff was caused to suffer severe and permanent personal and bodily injuries.

27. The Plaintiff sustained injuries of body and mind: a traumatic brain injury, a concussion, cervical and thoracic injuries, an injury to his right eye, and other injuries to his body and mind.

28. The Plaintiff has sustained economic losses in the form of past, present, and future medical bills, lost wages and loss of earning capacity.

29. The Plaintiff has suffered further damages in the form of physical and mental pain and suffering, past, present and future loss of enjoyment of life, scarring, and permanent impairment.

**COUNT TWO-NEGLIGENCE- STANLEY MICHAEL BACKRY, JR. V. UNITED STATES  
SPACE FORCE**

30. Plaintiff incorporates by reference paragraphs 1-29 of this Complaint.

31. At the time of the incident, the United States Space Force owed the Plaintiff the following duties:

- a. a duty to exercise reasonable care under the circumstances;
- b. a duty to maintain the Premises in a safe condition free of defects;

- c. a duty to warn the Plaintiff of hazardous and unsafe conditions present on the Premises;
- d. a duty to inspect the Premises for hazardous and unsafe conditions present on the Premises;
- e. a duty to remedy hazardous and unsafe condition present on the Premises;
- f. a duty to make repairs to the Premises in a safe manner; and
- g. a duty to comply with the applicable governmental codes and regulations in the construction, maintenance, upkeep, and use of the Premises.

32. At all times material hereto, the United States Space Force, through their principals, agents, servants, employees, contractors and/or subcontractors, and/or representatives, was negligent to the Plaintiff in one or more of the following ways:

- a. in failing to exercise reasonable care under the circumstances;
- b. in failing to maintain the Premises in a safe and proper condition free defects;
- c. in failing to adequately warn the Plaintiff of a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
- d. in failing to remediate a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
- e. in failing to erect safeguards or other structures to prevent Plaintiff from coming in contact with the defective and unsafe condition;
- f. in failing to properly inspect and cure a hazardous and unsafe condition that persisted on the Premises;
- g. in failing to properly repair the stairs;

- h. in failing to comply with the applicable governmental codes and regulations in the construction, maintenance, upkeep, and use of the Premises; and
- i. in other ways not yet known to the Plaintiff but that might be discovered as the case progresses.

33. As a direct and proximate result of the negligence of the United States Space Force, the Plaintiff was caused to fall on the stairwell of the Premises.

34. As a direct and proximate result of this negligence, the Plaintiff was caused to suffer severe and permanent personal and bodily injuries.

35. The Plaintiff sustained injuries of body and mind: a traumatic brain injury, a concussion, cervical and thoracic injuries, an injury to his right eye, and other injuries to his body and mind.

36. The Plaintiff has sustained economic losses in the form of past, present, and future medical bills, lost wages and loss of earning capacity.

37. The Plaintiff has suffered further damages in the form of physical and mental pain and suffering, past, present and future loss of enjoyment of life, scarring, and permanent impairment.

**COUNT THREE-NEGLIGENCE- STANLEY MICHAEL BACKRY, JR. V. UNITED STATES OF AMERICA**

38. Plaintiff incorporates by reference paragraphs 1-37 of this Complaint.

39. At the time of the incident, the United States of America owed the Plaintiff the following duties:

- a. a duty to exercise reasonable care under the circumstances;
- b. a duty to maintain the Premises in a safe condition free of defects;
- c. a duty to warn the Plaintiff of hazardous and unsafe conditions present on the

Premises;

- d. a duty to inspect the Premises for hazardous and unsafe conditions present on the Premises;
- e. a duty to remedy hazardous and unsafe condition present on the Premises;
- f. a duty to make repairs to the Premises in a safe manner; and
- g. a duty to comply with the applicable governmental codes and regulations in the construction, maintenance, upkeep, and use of the Premises.

40. At all times material hereto, the United States of America, through their principals, agents, servants, employees, contractors and/or subcontractors, and/or representatives, was negligent to the Plaintiff in one or more of the following ways:

- a. in failing to exercise reasonable care under the circumstances;
- b. in failing to maintain the Premises in a safe and proper condition free defects;
- c. in failing to adequately warn the Plaintiff of a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
- d. in failing to remediate a known, or in the exercise of reasonable care should have known, hazardous and unsafe condition that persisted on the Premises;
- e. in failing to erect safeguards or other structures to prevent Plaintiff from coming in contact with the defective and unsafe condition;
- f. in failing to properly inspect and cure a hazardous and unsafe condition that persisted on the Premises;
- g. in failing to properly repair the stairs;
- h. in failing to comply with the applicable governmental codes and regulations in the



construction, maintenance, upkeep, and use of the Premises; and

- i. in other ways not yet known to the Plaintiff but that might be discovered as the case progresses.

41. As a direct and proximate result of the negligence of the United States Space Force, the Plaintiff was caused to fall on the stairwell of the Premises.

42. As a direct and proximate result of this negligence, the Plaintiff was caused to suffer severe and permanent personal and bodily injuries.

43. The Plaintiff sustained injuries of body and mind: a traumatic brain injury, a concussion, cervical and thoracic injuries, an injury to his right eye, and other injuries to his body and mind.

44. The Plaintiff has sustained economic losses in the form of past, present, and future medical bills, lost wages and loss of earning capacity.

45. The Plaintiff has suffered further damages in the form of physical and mental pain and suffering, past, present and future loss of enjoyment of life, scarring, and permanent impairment.

COUNT FOUR-LOSS OF CONSORTIUM PURSUANT TO N.H. RSA 507:8-a:  
CATHERINE BACKRY V. UNITED STATES AIR FORCE

46. Plaintiff incorporates by reference paragraphs 1-45 of this Complaint.

47. Catherine Backry, is, and was at all relevant times, the lawful spouse of Stanley Michael Backry, Jr.

48. As a result of the negligence of the United States Air Force and the consequent serious and permanent injuries suffered by her husband, Ms. Backry has suffered a loss of her husband's consortium.

COUNT FIVE-LOSS OF CONSORTIUM PURSUANT TO N.H. RSA 507:8-a:  
CATHERINE BACKRY V. UNITED STATES SPACE FORCE

49. Plaintiff incorporates by reference paragraphs 1-48 of this Complaint.

50. Catherine Backry, is, and was at all relevant times, the lawful spouse of Stanley Michael Backry, Jr.

51. As a result of the negligence of the United States Space Force and the consequent serious and permanent injuries suffered by her husband, Ms. Backry has suffered a loss of her husband's consortium.

COUNT SIX-LOSS OF CONSORTIUM PURSUANT TO N.H. RSA 507:8-a:  
CATHERINE BACKRY V. UNITED STATES OF AMERICA

52. Plaintiff incorporates by reference paragraphs 1-51 of this Complaint.

53. Catherine Backry, is, and was at all relevant times, the lawful spouse of Stanley Michael Backry, Jr.

54. As a result of the negligence of the United States Space Force and the consequent serious and permanent injuries suffered by her husband, Ms. Backry has suffered a loss of her husband's consortium.

WHEREFORE, Plaintiffs Stanley Michael Backry, Jr. and Catherine Backry demand Judgment against Defendants United States Air Force, United States Space Force, and United States of America in the sum of \$30,000,000.00, PLUS COSTS.

Respectfully submitted,

The Plaintiffs,

STANLEY MICHAEL BACKRY, JR. AND  
CATHERINE BACKRY,

By Their Attorneys,

/s/ H. Luke Mitcheson

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